

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
WESTERN DISTRICT**

<b>TONY MACIAS, et al.,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>vs.</b>	)	<b>Case No. 08-0097-CV-W-GAF</b>
	)	
<b>RICHARD MELICHAR, D.D.S., et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER GRANTING MOTION TO DISMISS**

Presently before the Court is Defendant Hy-Vee, Inc.'s ("Hy-Vee") Motion to Dismiss for Failure to Prosecute filed pursuant to Fed. R. Civ. P. 41(b). (Doc. #32). To date, *pro se* Plaintiffs Tony Macias and Virginia Macias ("Plaintiffs") have failed to respond to either Hy-Vee's Motion or the Court's Order to Show Cause dated August 31, 2009 (Doc. #33). For good cause shown, it is

ORDERED that Hy-Vee's Motion is GRANTED and Plaintiffs' claims against Hy-Vee are hereby dismissed.

s/ Gary A. Fenner  
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Gary A. Fenner, Judge  
United States District Court

DATED: September 25, 2009